

IC 9-25-7

Chapter 7. Miscellaneous Provisions

IC 9-25-7-1

Insolvency of insurer formerly authorized and qualified to do business in Indiana

Sec. 1. The bureau may not revoke the driving license or registration plates of the owner or operator of a motor vehicle who has been involved in a motor vehicle accident resulting in bodily injury or death or in damage to property in excess of one thousand dollars (\$1,000) solely because of failure to provide evidence of financial responsibility whenever the:

(1) owner or operator was insured by an insurance company for public liability and property damage at the time of the accident; and

(2) insurance company becomes insolvent after the accident or within fifteen (15) days before the accident;

if the insurance company was authorized and qualified to do business in Indiana on the effective date of the policy.

As added by P.L.2-1991, SEC.13. Amended by P.L.157-2003, SEC.1.

IC 9-25-7-2

Transfer of vehicle registration or registration in another name; good faith requirement; repossessed vehicles

Sec. 2. (a) This section does not apply to or affect the registration of a motor vehicle sold by a person who, under the terms or conditions of a written instrument giving a right of repossession, has exercised the right and has repossessed a motor vehicle from a person whose certificate of registration has been suspended under this article.

(b) If an owner's registration has been suspended under this article, the registration may not be transferred or the motor vehicle registered in another name until the bureau is satisfied that the transfer or registration is proposed in good faith and not for the purpose or with the effect of defeating the purposes of this article. A transfer or registration shall be permitted when the transferee furnishes proof of financial responsibility to the bureau.

(c) A transfer or registration made or obtained in violation of this section is void for the purposes of this article.

As added by P.L.2-1991, SEC.13.

IC 9-25-7-3

Cancellation, return, or waiver of proof of financial responsibility

Sec. 3. (a) The bureau shall, upon request, cancel a bond or return a certificate of insurance, direct the treasurer of state to return to the person entitled any money or securities deposited under this article as proof of financial responsibility, or waive the requirement of filing proof of financial responsibility in any of the following circumstances:

(1) At any time after three (3) years from the date the proof was

required, if during the three (3) year period preceding the request the person furnishing the proof has not been convicted of an offense referred to in IC 9-30-4-6.

(2) If the person on whose behalf the proof was filed dies or the person becomes permanently incapable of operating a motor vehicle.

(3) If the person who has given proof of financial responsibility surrenders the person's operator's or chauffeur's license, registration certificates, and registration plates to the bureau. The bureau may not release the proof if an action for damages upon a liability referred to in this article is pending, a judgment upon a liability is outstanding and unsatisfied, or the bureau has received notice that the person has, within the period of three (3) months immediately preceding, been involved as a driver in a motor vehicle accident. An affidavit of the applicant of the nonexistence of the facts referred to in this subdivision is sufficient evidence of the nonexistence of the facts in the absence of evidence to the contrary in the records of the department.

(b) Whenever a person to whom proof has been surrendered under subsection (a)(3) applies for an operator's or chauffeur's license or the registration of a motor vehicle within a period of three (3) years from the date the proof of financial responsibility was originally required, the bureau shall reject the application unless the applicant reestablishes the proof for the remainder of the period.

As added by P.L.2-1991, SEC.13. Amended by P.L.1-2001, SEC.7.

IC 9-25-7-4

Failure to pay under surety bond after entry of judgment; action in name of state against company executing bond

Sec. 4. If a judgment is rendered against the principal of a surety bond upon a liability covered by the conditions of the bond and the judgment is not satisfied within sixty (60) days after the judgment becomes final, the judgment creditor may, for the judgment creditor's own use and benefit and at the judgment creditor's sole expense, bring an action in the name of the state against the company that executed the bond.

As added by P.L.2-1991, SEC.13.

IC 9-25-7-5

Failure of motor carrier to file proof of financial responsibility; report to department of state revenue

Sec. 5. The bureau shall report to the department of state revenue a failure, a refusal, or the neglect of a common carrier of persons or property by motor vehicle to file a certificate of proof of financial responsibility when requested.

As added by P.L.2-1991, SEC.13.

IC 9-25-7-6

Temporary reinstatement to allow for licensing or registration in

another state or foreign jurisdiction

Sec. 6. (a) This section does not apply to a person who is a resident of Indiana or who operates a vehicle in Indiana.

(b) A person:

(1) whose operator's license or registration was suspended and who is required to prove financial responsibility extending into the future in order to have the person's driving privileges reinstated; and

(2) who no longer operates a vehicle in Indiana and has become a resident of another state or foreign jurisdiction;

is not required to prove financial responsibility into the future in order to have the person's license or registration temporarily reinstated to allow licensing or registration in the other state or foreign jurisdiction.

As added by P.L.88-1996, SEC.6.